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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,609	12/08/2003	James Tassano	1005-1-3	4766
7590	07/02/2004		EXAMINER GRANT, ALVIN J	
Kevin D. Jablonski 218 Main St. #140 Kirkland, WA 98033			ART UNIT 3723	PAPER NUMBER

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/731,609	<b>Applicant(s)</b> TASSANO ET AL.	
	<b>Examiner</b> Alvin J Grant	<b>Art Unit</b> 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9 and 11-15 is/are rejected.
- 7) ☒ Claim(s) 6,8 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                              |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/25/04</u> . | 6) <input type="checkbox"/> Other: ____.                                                |

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities:

- Page 8, lines 11 and 12, change "from ½ inch to 1.5 inches, and thicknesses that range from .08 inches to .2 inches" to read, "from .5 inch to 1.5 inches, and thicknesses that range from .08 inch to .20 inch".
- Page 9, line 5, change "can be anchor" to read, "can be anchored".

Appropriate correction is required.

### ***Claim Objections***

**Claim 6** is objected to because of the following informality:

In line 2, change "axis or rotation" to read, "axis of rotation".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 10** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "the equal and opposite forces" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-5, 7, 9, 11 and 12-15** are rejected under 35 U.S.C. 102(b) as being anticipated by Browning '707.

**Referring to claims 1-5, 7, 9 and 11**, Browning discloses a drive tool comprising: a drive shaft having a longitudinal axis and having a first end and a second opposite end, and a cavity attached to the first end of the drive shaft, the cavity having a substantially rectangular opening with a first side length longer than a second side length, the cavity further defined by a pair of parallel side walls of the first side length, the cavity further defined by a pair of parallel side walls of the first side length and a U-shaped wall having two parallel walls adjacent to the opening and a curved portion of the U-shaped wall opposite the opening; a polygonal-shaped chuck attached to the second end of the drive shaft and operable to be engaged by a power drill, a ratchet and by hand; the opening of the cavity is at a first angle to the longitudinal axis of the drive shaft; the cavity is operable to engage a screw hook; an engaging enclosure attached to the first end of the drive shaft and operable to engage an object wherein the engaging enclosure applies to the object at an angle other than perpendicular to the longitudinal axis if the object is rotated about an axis perpendicular to the longitudinal axis; and the size of the opening is sufficient to engage a screw hook having parallel straight runs in a hook

portion such that the equal and opposite forces are applied to the parallel straight runs in the screw hook.

**Referring to claim 12-15**, Browning discloses a method of turning an object comprising the steps of: engaging an object with a tool having a cavity attached to a first end of a drive shaft having a longitudinal axis, the cavity having a substantially rectangular opening with a first side length longer than a second side length, the cavity further defined by a pair of parallel side walls of the first side length and a U-shaped wall having two parallel walls adjacent to the opening and a curved portion of the U-shaped wall opposite the opening, rotating the object about the longitudinal axis; and using tools such as a power drill and other hand tools.

**Claims 1-5, 7, 9, 11 and 12** are rejected under 35 U.S.C. 102(b) as being anticipated by Morin '520.

**Referring to claims 1-5, 7, 9 and 11**, Morin discloses a drive tool comprising: a drive shaft having a longitudinal axis and having a first end and a second opposite end, and a cavity attached to the first end of the drive shaft, the cavity having a substantially rectangular opening with a first side length longer than a second side length, the cavity further defined by a pair of parallel side walls of the first side length, the cavity further defined by a pair of parallel side walls of the first side length and a U-shaped wall having two parallel walls adjacent to the opening and a curved portion of the U-shaped wall opposite the opening; a polygonal-shaped chuck attached to the second end of the drive shaft and operable to be engaged by a power drill, a ratchet and by hand; the opening of the cavity is at a first angle to the longitudinal axis of the drive shaft; the

cavity is operable to engage a screw hook; an engaging enclosure attached to the first end of the drive shaft and operable to engage an object herein the engaging enclosure applies to the object at an angle other than perpendicular to the longitudinal axis if the object is rotated about an axis perpendicular to the longitudinal axis; and the size of the opening is sufficient to engage a screw hook having parallel straight runs in a hook portion such that the equal and opposite forces are applied to the parallel straight runs in the screw hook.

**Referring to claim 12**, Morin inherently discloses a method of turning an object comprising the steps of: engaging an object with a tool having a cavity attached to a first end of a drive shaft having a longitudinal axis, the cavity having a substantially rectangular opening with a first side length longer than a second side length, the cavity further defined by a pair of parallel side walls of the first side length and a U-shaped wall having two parallel walls adjacent to the opening and a curved portion of the U-shaped wall opposite the opening; and rotating the object about the longitudinal axis.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 13-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Morin in view of Browning '707.

Morin is described above. Even though Morin's wrench is designed to be operable with other tools as shown by the shaft design (Fig. 1), Morin does not specifically disclose the use a power drill or a hand tool. Browning discloses an eye bolt wrench wherein a power drill and other hand tools are used as means for rotating the wrench as the situation warrants. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used a power drill or other hand tools with the wrench of Morin as taught by Browning as means for rotating the wrench as the situation warrants.

### ***Allowable Subject Matter***

**Claims 6, 8 and 10** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J Grant whose telephone number is (703) 305-3315. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on (703) 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ajg



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6/27/07